

LOCAL RULES OF PRACTICE FOR THE BROWN CIRCUIT COURT

Effective April 1, 2005

Effective April 1, 2005, the following local rules are hereby adopted to govern proceedings in the Brown Circuit Court. Pursuant to TR 81(D) the Court finds good cause to deviate from the schedule established by the Division of State Court Administration and to make the rules effective April 1, 2005 rather than January 1, 2006. Specifically, the court finds that many of the former local rules are so outdated as to be ineffective and impossible to follow. Moreover, some of the former local rules are now in conflict with the Trial Rules or Administrative Rules. However, Local Rules LR07-TR79-CIV-7 Reassignment of Civil Cases; LR07-CR2.2-CRIM-11 Assignment and Reassignment of Criminal Cases; and LR07-AR15-ADMN-15 Court Reporter Services require approval by the Indiana Supreme Court and shall become effective upon the date of approval, if any, by the Indiana Supreme Court.

Judith A. Stewart
Judge of the Brown Circuit Court

LOCAL RULES OF PRACTICE OF THE BROWN CIRCUIT COURT

Local Rules 1 through 7 Relating to Indiana Rules of Trial Procedure

LR07-TR1-GEN-1 Scope of Rules

Except as otherwise provided, these rules govern the procedure and practice in all cases, including criminal, civil, and juvenile, filed or pending in the Brown Circuit Court.

LR07-TR3.1-GEN-2 Withdrawal of Appearance by Counsel

(A) Written Motion and Compliance with Trial Rule 3.1: Permission to withdraw an appearance by counsel shall be requested by written motion. Permission to withdraw shall be given only after the petitioning attorney has complied with the requirements of T.R. 3.1(E), including a certification of the last known address and telephone number of the party, subject to the confidentiality requirements of T.R. 3.1.

(B) Motions Filed Prior to the Appearance of Other Counsel: Permission to withdraw shall be given only after the petitioning attorney has given his/her client 10 days written notice of the intent to withdraw. A copy of the written notice shall be attached to the petition to withdraw. The written notice to the client shall explain the possible effects of failure to secure new counsel and shall set forth any hearing or trial dates and any pleading, discovery or other pre-trial deadlines.

(C) Motions Filed Subsequent to the Appearance of Other Counsel: Motions to withdraw an appearance filed subsequent to the proper appearance of other counsel shall constitute a waiver of the requirements of paragraph (B) of this rule.

(D) Criminal Cases; Withdrawal Due to Defendant's Failure to Fulfill an Obligation With Respect to Counsel's Fee: Paragraph (D) of this local rule applies only to criminal cases and is designed to minimize the inconvenience and delay caused to the parties and court by the withdrawal of counsel shortly before trial due to nonpayment of counsel's fee, while also recognizing the realities faced by counsel and their clients in meeting fee obligations.

The requirements of paragraphs (A), (B) and (C) of this local rule are in addition to the requirements and provisions of I.C. 35-36-8-2 in criminal cases. Absent exceptional circumstances, no attorney in a criminal case should expect permission to withdraw the attorney's appearance based on his or her client's failure to fulfill an obligation with respect to the attorney's fee unless the motion to withdraw is filed at least 90 days prior to any second or subsequent trial setting.

LR07-TR5-GEN-3 Service and filing of pleadings; Court Office Mailboxes; Submission of Proposed Orders

(A) Service at Mail Slot in Offices of Circuit Court: Any attorney choosing to use the mail slots made available in the offices of the Brown Circuit Court shall be considered to have designated that attorney's mail slot as a suitable place for delivery and service of pleadings pursuant to T.R. 5(B)(d).

(B) Submission of Proposed Orders: All motions, petitions, and requests for action by the Court must be accompanied by an original proposed order, sufficient copies for each party and person required to receive notice, and an extra copy for the Court. Proposed orders shall include a complete distribution list including all parties, or if represented, their counsel, the Guardian Ad Litem if appointed in the case, and all other persons to whom the order should be distributed. All proposed orders shall identify the motion or petition to be ruled on, and, if a hearing is requested, a description of the specific hearing to be set and a statement of the anticipated length of the hearing.

LR07-TR53.5-GEN-4 Continuances

(A) Written Motions: A motion for continuance, unless made on record during the hearing of the cause or otherwise specifically authorized by the court, shall be in writing and signed. Such motion shall comply in all respects with T.R. 53.5 of the Indiana Rules of Trial Procedure.

(B) Scheduling Conflicts: A motion for continuance based on a scheduling conflict with another cause shall specify the Court, the case name, the cause number, the date the hearings or trials in both cases was set, and the type of conflicting hearing or trial.

(C) Duty to Confer: Before requesting a continuance, the moving party shall confer with counsel for all other parties and with any parties appearing pro se, to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

LR07-TR30-CRIM-5 Acceptable Recording Method for Informal Depositions

In all misdemeanor and traffic cases, the Court will approve the recording of deposition testimony by means of a tape recording without the procedures provided in T.R. 74 so long as:

- 1) all parties agree to the recording method;
- 2) the tape recording or transcript of the recording is exchanged between the Prosecutor and

all defense attorneys;

3) the party taking the deposition has complied with T.R. 30(B)(4).

The purpose of this rule is to effect economy for the county and parties consistent with T.R. 30(B)(4). This rule does not affect the parties' responsibility to comply with all other applicable Trial Rules regarding the taking of depositions, nor does it limit the parties' ability under T.R. 29 to enter into written stipulations modifying discovery procedures.

LR07-TR73-GEN-6 Telephonic pretrial conferences

In order to expedite the Court's business, and in conjunction with T.R. 73, the Court encourages the use of telephone conferencing for the conducting of pre-trial conferences and for other matters which may be reasonably conducted by use of telephone. Telephone conferences for conducting pre-trial conferences and for other matters may be set at the discretion of the Court upon the Court's own motion or upon request of a party.

LR07-TR79-CIV-7 Reassignment of Civil Cases

In the event a change of judge is granted in any civil case pending in the Brown Circuit Court, and if the parties cannot agree to a specific eligible judge or cannot agree that the judge before whom the case is pending appoint an eligible judge to serve as special judge in the case, then the judge before whom the case is pending shall appoint a panel of three eligible judges pursuant to section (F) of Trial Rule 79, which judges may or may not be from District 11 as found in Administrative Rule 3.

If a selected special judge does not accept jurisdiction of the case, or upon an order of disqualification or recusal under Trial Rule 79(C), then pursuant to Trial Rule 79 (H) the judge before whom the case is pending shall appoint an eligible special judge from Brown County or a contiguous county within District 11

The regular sitting judge shall maintain a list of all eligible special judges from Brown County and contiguous counties and under this local rule shall appoint them sequentially. Eligible special judges shall include regular sitting judges and magistrates from Brown County and contiguous counties within District 11, and may also include Senior Judges from District 11, or, when appointment is under TR 79(F), eligible judges from contiguous counties not within District 11, at the discretion of the regular sitting judge.

All regular judges and magistrates from District 11 shall maintain a list of all cases in which they accept appointment as special judge, the type of case, the date of the appointment, and the Court from which they received the appointment. All regular judges and magistrates shall also maintain a list of all cases from their Court wherein they appointed a special judge, the special judge who accepted the appointment, the type of case, and the date of appointment.

Local Rules 8 through 10 Relating to Miscellaneous Civil Proceedings

LR07-TR00-CIV-8 Procedure for Proceedings Supplemental

Unless the participation of the judge or magistrate in the hearing is specifically requested by the judgment holder or judgment debtor, the hearing on a proceeding supplemental will be conducted informally by the parties, without the presence of the judge or magistrate. Proceeding supplemental hearings will be conducted in the courtroom, but unless record is requested by any party, the proceeding supplemental hearing will not be on the record. The hearings will be scheduled by the court. Counsel shall inform court staff of the result of the proceeding supplemental.

LR07-FL00-CIV-9 Termination of Counsel's Representation in Dissolution of Marriage Actions

(A) Unless otherwise indicated by counsel, upon the entry of a final Decree of Dissolution of Marriage, Legal Separation or Paternity, or an order of permanent modification of any custody, visitation and/or child support order, the representative capacity of all attorneys appearing on behalf of any party shall be deemed terminated upon:

1. An order of withdrawal granted in accordance with the Local Rules of Practice for the Brown Circuit Court; or
2. The expiration of time within which an appeal of the Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedures and/or the Indiana Rules of Appellate Procedure; or
3. The conclusion of any appeal of the Order commenced pursuant to Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.

(B) Attorneys shall be responsible for providing a statement in the final decree or disposition of any pending matter that "all Counsel of record are deemed to have withdrawn pursuant to Local Rule No. _____" in order to authorize the Clerk to withdraw an attorney's appearance

pursuant to this rule.

(C) Counsel for initiating and responding parties shall be required to file a new appearance in any post dissolution action.

(D) The service of any post dissolution pleadings upon any party not represented by counsel pursuant to this local rule shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.

(E) Any copy served upon original counsel will be deemed to be a matter of professional courtesy only.

LR07-FL00-CIV-10 Attendance at Children Cope With Divorce Class

The court finds it is in the best interests of minor children of divorcing parents and minor children involved in paternity cases to encourage conciliation and cooperation between the parents, and that attendance of the parents at the Children Cope With Divorce class will aid in such cooperation. Therefore, both parents in all dissolution of marriage cases in which there are minor children shall attend the "Children Cope With Divorce" class. The parents shall pay the costs of the class. The class must be completed prior to the final hearing, and unless otherwise ordered, the court will not conduct the final hearing or grant the Decree of Dissolution of Marriage until the class has been completed. At the time the action is filed, the Clerk of the Brown Circuit Court shall provide the parties with contact information to arrange the class.

Local Rule 11 Relating to the Indiana Rules of Criminal Procedure

LR07-CR2.2-CRIM-11 Assignment and Reassignment of Criminal Cases

All felony and misdemeanor cases are assigned to the regular judge of the Brown Circuit Court.

In the event a change of judge is granted or an order of disqualification or recusal is entered in any felony or misdemeanor case pending in the Brown Circuit Court, the case shall be reassigned in consecutive order to the following judges: Honorable Frank M. Nardi, Owen Circuit Court; Honorable Stephen R. Heimann, Bartholomew Circuit Court; Honorable Christopher D. Monroe, Bartholomew Superior Court 1; and Honorable William E. Vance, Jackson Circuit Court.

Local Rules 12 through 13 Relating to Miscellaneous Criminal Procedures

LR07-CR00-CRIM-12 Preliminary Criminal Pretrial Conferences

At the initial hearing, unless otherwise ordered, all criminal cases will be set for a preliminary pretrial conference. The preliminary pretrial conference will be conducted with the prosecutor and defense counsel without participation by the Court. Defense counsel should contact the prosecutor at or before the time of the scheduled preliminary pretrial conference either in person or by phone. Defendants appearing pro se may participate in the preliminary pretrial conference with the prosecutor, but shall not be required to participate. Matters to be addressed at the preliminary pretrial conference include compliance with any previously issued discovery orders, outstanding discovery issues, witness and exhibit lists, and possible plea agreements.

LR07-CR00-CRIM-13 Bond Schedule and Conditions of Posting Bond

(A) Bond Schedule: Unless otherwise ordered by the court, individuals arrested and taken into custody will be allowed to post bond prior to initial hearing in accordance with the attached bond schedule and subject to the conditions and time frames set forth in the schedule.

(B) No Contact and No Violent Contact as a Condition of Bond on Crimes of Violence: Unless otherwise ordered by the judge or magistrate, it shall be a condition of pretrial release and bond for any individual arrested for a felony offense involving either violence against an individual or a threat of violence against an individual, including but not limited to domestic violence, that the person bonding be prohibited from having any contact whatsoever, directly or indirectly, with the alleged victim of the crime and that the person bonding be prohibited from possessing any firearms or deadly weapons.

Unless otherwise ordered by the judge or magistrate, it shall be a condition of pretrial release and bond for any individual arrested for a misdemeanor offense involving either violence against any individual or a threat of violence against any individual, including but not limited to domestic violence, that the person bonding be prohibited from having any violent contact with the alleged victim of the crime and that the person bonding be prohibited from possessing any firearms or deadly weapons.

The attached forms should be used to provide notice to the accused of the no contact or no violent contact condition of bond.

(C) Time for Posting Bond: Unless otherwise ordered by the judge, or reasonably required

by the Brown County Sheriff, individuals shall be entitled to post bond as soon as practical following arrest and processing except:

1. Individuals Who are Under Any Influence of Alcohol, Drugs, or Controlled Substances

In accordance with state statutes and the policy of the Brown County Sheriff, any individual reasonably believed to be under any influence of alcohol, drugs or controlled substances when arrested may be detained without bond until he or she is no longer under such influence.

2. Family Violence:

Anyone arrested for an offense involving family violence (as defined in I.C. 34-6-2-34.5 to include attempting, threatening or causing physical harm to another family or household member, placing a family or household member in fear of physical harm, or causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress) shall not be allowed to post bond until the earlier of his or her initial hearing or forty-eight (48) hours after arrest. The court finds this “cooling off” period is needed because of the unique nature of family violence, which often involves high emotions between individuals who live in close physical proximity.

Local Rule 14 Relating to the Indiana Jury Rules

LR07-JR4-JURY-14 Notice of Selection for Jury Pool; Summons for Jury Service

The Brown Circuit Court shall utilize a single tier system for mailing notice and summons to prospective jurors as referenced in Jury Rule 4(a). Each year when names of prospective jurors are drawn from the jury pool, the jury administrator shall simultaneously send to those prospective jurors whose names have been drawn notice of the period of their possible jury service, a jury qualification form, and a summons. The notice, qualification form and summons shall be mailed not later than seven (7) days after the date the prospective jurors’ names were drawn from the jury pool and at least six (6) weeks before jury service.

Local Rule 15 Relating to the Indiana Administrative Rules

LR07-AR15-ADMN-15 Court Reporter Services

Section One. Definitions. For purposes of this local rule, the following definitions shall apply:

- (3) A *Court Reporter* is a person who is specifically designated by the court to perform the official court reporting services for the court including preparing a transcript of the record.
- (4) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- (5) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (6) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (7) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (8) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.
- (9) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (10) *Overtime hours* means those hours worked in excess of forty (40) hours per work week.
- (11) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (12) *Court* means the particular court for which the court reporter performs services.
- (13) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (14) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.

- (15) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Court Reporter; Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The court shall enter into a written agreement with the court reporters that outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Three Dollars and Fifty Cents (\$3.50); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Three Dollars and Fifty Cents (\$3.50).
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars (\$4.00), plus the actual cost of paper used at a per page cost.
- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

Section Three. Private Practice.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such a purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate for the use of the equipment, work space and supplies;
 - b. The method by which records are to be kept for the use of equipment, work space and supplies; and
 - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

Local Rule 16 Relating to Miscellaneous Administrative Procedures

LR07-AR00-ADMN-16 Removal of Files

No court files may be removed from the Courthouse by any attorney or employee or agent of any attorney. The files may be signed for and examined in the Courthouse, or in the library of the Circuit Court, after having duly been authorized through the office of the Clerk or the Circuit Court.

Local Rules 17 through 22 Relating to Probate Procedures

LR07-PR00-PROB-17 Notice

Whenever notice by publication and/or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and ensure that the notice is properly published and/or served as required by statute or Supreme Court Rule. It shall be the attorney's responsibility to ascertain and provide adequate proof of notice prior to bringing a matter to the Court.

LR07-PR00-PROB-18 Bond

To facilitate the Court's determination of the amount of bond to be required in any estate or guardianship, all petitions to open an estate or guardianship shall set forth the probable assets of the estate and the value of such assets, including the value of all personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship.

LR07-PR00-PROB-19 Deeds

Copies of all deeds submitted to the Court for approval in either estate or guardianship proceedings shall be filed with the Court for its records.

LR07-PR00-PROB-20 Accountings

Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after the expiration of one (1) year and each succeeding six (6) months thereafter. Such accounting shall comply with the requirements of I.C. 29-1-16-4 and

29-1-16-6 and shall:

1. State facts showing why the estate cannot be closed and an estimated date of closing;
and
2. Propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

LR07-PR00-PROB-21 Fees of Attorneys and Fiduciary

No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court. Absent exceptional circumstances, no attorney or fiduciary fees will be determined and authorized for payment by the Court in any unsupervised estate. Unless otherwise ordered by the Court, the fees awarded to fiduciaries and attorneys in supervised estates shall not exceed the Maximum Fee Guidelines for Supervised Estates attached to these Local Rules.

LR07-PR00-PROB-22 Presence of Alleged Incapacitated Person at Guardianship Hearing

In all guardianship matters seeking to declare an adult incapacitated for any reason, the allegedly incapacitated person shall be present at the hearing or sufficient evidence shall be presented showing that the incapacitated person is unable to appear.

SO ORDERED this _____ day of _____, 200__

Judith A. Stewart, Judge
Brown Circuit Court

MAXIMUM FEE GUIDELINES FOR SUPERVISED ESTATES

Attorney Fees

Administration

Gross estate services are considered to normally include: opening of the estate qualifying the Personal Representative, preparing and filing the inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Schedule, obtaining the court order thereon and paying the taxes, preparing and filing the Final Report, obtaining an order approving the same, distributing assets, obtaining discharge of the Personal Representative, and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. This list shall not be considered to be exclusive.

A.	Gross Estate:			
	Up to	\$ 100,000	not to exceed	6%
	Next	200,000	not to exceed	4%
	Next	700,000	not to exceed	3%
	Next	1,000,000	not to exceed	1%

B. Miscellaneous – Extraordinary Services

Miscellaneous and extraordinary services should be billed at a reasonable rate. Attorneys are required to notify the Court of the hourly or other rate of compensation and the services provided when requesting fees in excess of the schedule listed above. Miscellaneous or extraordinary services will vary but may include sale of personal property, sale of real property, partial distribution, defending a will, construing a will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, generating additional income for the estate, etc.

Personal Representative Fees

Professional: An applicable reasonable rate will be established in each case considering all circumstances.

Non-professional: An amount not in excess of one-half (1/2) of the attorney's fee.

Attorney: When an attorney also serves as the Personal Representative, an additional amount not in excess of one-third (1/3) of the attorney fee may be allowed, provided the attorney has performed additional services normally performed by the Personal Representative and the assets of the estate warrant the a allowance of additional fees

Limitation on Total Fees

Absent truly exceptional circumstances, the combined total of all fees allowed to the Personal Representative and the attorney for the administration of an estate shall not exceed ten percent (10%) of the decedent's gross estate.

BOND SCHEDULE – BROWN CIRCUIT COURT

EFFECTIVE April 1, 2005, and unless otherwise ordered by the judge or magistrate, initial bond on individuals arrested and taken into custody will be set according to the following schedule by posting bond either through a surety or by posting a 10% cash bond.

FELONIES

(B)	Murder	NO BOND
(C)	Class A Felonies.....	To be set at Initial Hearing; NO BOND until Initial Hearing
(D)	Class B Felonies	\$20,000.00
(E)	Class C Felonies:	
	Against the Person.....	\$10,000.00
	Against Property.....	\$ 5,000.00
(F)	Class D Felonies.....	\$ 2,500.00

MISDEMEANORS

Individuals arrested on the following misdemeanor charges shall be released on their own recognizance: (Note some of the listed offenses could be charged as either a felony or a misdemeanor. This OR provision relates only to misdemeanor charges. If the arrest is for a felony charge, bond should be set according to the felony schedule):

Possession of paraphernalia; Driving while suspended; Public intoxication (but only after expiration of the time for ensuring the individual's sobriety); Illegal possession of alcohol; Illegal consumption of alcohol; Operating without ever receiving a license; Visiting a common nuisance, and misdemeanors defined in Indiana Code Title 14(DNR violations).

Bond for all other misdemeanors should be set according to the following:

(1)	Class A Misdemeanors	\$ 1,500.00
(6)	Class B Misdemeanors	\$ 1,000.00
III	Class C Misdemeanors	\$ 500.00

Infractions are civil and do not require arrest or bond.

TIMES FOR POSTING BOND

Unless otherwise ordered by the judge, required by law, or reasonably required by the Brown County Sheriff, individuals shall be entitled to post bond as soon as practical following arrest and processing except:

- (1) Individuals Who are Under Any Influence of Alcohol, Drugs, or Controlled Substances

In accordance with state statutes and the policy of the Brown County Sheriff, any individual reasonably believed to be under any influence of alcohol, drugs or controlled substances when arrested may be detained without bond until he or she is no longer under such influence.

II. Family Violence Anyone arrested for an offense involving family violence (as defined in I.C. 34-6-2-34.5 to include attempting, threatening or causing physical harm to another family or household member, placing a family or household member in fear of physical harm, or causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress) shall not be allowed to post bond until the earlier of his or her initial hearing or forty-eight (48) hours after arrest.

SPECIAL CONDITIONS OF BOND

These standard conditions restricting contact between an accused and an alleged victim in crimes of violence are subject to review on an individual basis at the initial hearing or at any other time necessary.

I. Felony Crimes of Violence – No Contact Order

Unless otherwise ordered by the court, it shall be a condition of bond/bail for any felony offense involving violence or a threat of violence, including but not limited to domestic violence, that the accused have **no contact**, directly or indirectly, with the alleged victim pursuant to the terms of the attached Local Rule. The Sheriff shall be responsible for serving a copy of the Local Rule on the accused prior to release.

II Misdemeanor Crimes of Violence – No Violent Contact Order

Unless otherwise ordered by the court, it shall be a condition of bond/bail for any misdemeanor offense involving violence or a threat of violence, including but not limited to domestic violence, that the accused have **no violent contact**, directly or indirectly, with the alleged victim pursuant to the terms of the attached Local Rule. The Sheriff shall be responsible for serving the Local Rule on the accused prior to release.

SO ORDERED this _____ day of _____ 200_____.

Judith A. Stewart, Judge Brown Circuit Court

STATE OF INDIANA)
)
COUNTY OF BROWN)

**NO CONTACT AS A CONDITION OF BOND
FOR FELONY CRIME INVOLVING VIOLENCE OR THREAT OF VIOLENCE**

Pursuant to Rule LR07-CR00-CRIM-13 of the Local Rules of the Brown Circuit Court, the following term is a condition of release from custody pending trial for any individual arrested for a felony offense involving violence against any individual, or a threat of violence against any individual, including but not limited to domestic violence:

THE ACCUSED SHALL HAVE NO CONTACT WHATSOEVER, directly or indirectly, with the alleged victim of the crime, in person, by telephone or letter, through an intermediary, in any other way, directly or indirectly, except through authorized counsel of record. Contact with the alleged victim is prohibited even if the alleged victim seeks or attempts to initiate the contact. This term of release is set by the court and may not be waived or terminated by the alleged victim.

THE DEFENDANT SHALL NOT have any firearms or deadly weapons in his or her possession.

These conditions of bond and pretrial release shall remain in effect during the prosecution of the case or until further order of the court. **VIOLATION OF THESE CONDITIONS OF BOND AND PRETRIAL RELEASE MAY CONSTITUTE VIOLATIONS OF I.C. 35-33-8-5 AND I.C. 35-46-1-15.1.**

I acknowledge I have received a copy of the No Contact As a Condition of Bond For Felony Crime Involving Violence or Threat of Violence. I understand that my bond may be revoked and I may be held in jail without bond until trial if I have any contact with the alleged victim. I also understand that violation of this order may constitute a new crime.

Date

Accused's Signature

STATE OF INDIANA)
)
COUNTY OF BROWN)

IN THE BROWN CIRCUIT COURT

**NO VIOLENT CONTACT AS A CONDITION OF BOND
FOR MISDEMEANOR CRIME INVOLVING VIOLENCE OR THREAT OF VIOLENCE**

Pursuant to Rule LR07-CR00-CRIM-13 of the Local Rules of the Brown Circuit Court, the following term is a condition of release from custody pending trial for any individual arrested for a misdemeanor offense involving violence against any individual, or a threat of violence against any individual, including but not limited to domestic violence:

THE ACCUSED SHALL HAVE NO VIOLENT CONTACT with the alleged victim of the crime. This term of release is set by the court and may not be waived or terminated by the alleged victim.

THE ACCUSED SHALL NOT have any firearms or deadly weapons in his or her possession.

These terms of bond and pretrial release shall remain in effect during the prosecution of the case or until further order of the court.

**VIOLATION OF THESE CONDITIONS OF BOND AND PRETRIAL RELEASE MAY
CONSTITUTE VIOLATIONS OF I.C. 35-33-8-5 AND MAY RESULT IN REVOCATION OF
THE ACCUSED'S BOND.**

I acknowledge I have received a copy of the Court's Standing Order for No Violent Contact as a Condition of Bond For Misdemeanor Crime Involving Violence or Threat of Violence and understand that my bond may be revoked and I may be held in jail without bond until trial if I have any violent contact with the alleged victim.

Date

Accused's Signature